TECHNICAL SUPPORT DOCUMENT
FOR EPA REGION 6 REVIEW OF:

Revisions to Louisiana Administrative Code, Title 33, Part IX, Chapter 11, Surface Water Quality Standards (WQ097)

Revisions Adopted by the Louisiana Department of Environmental Quality

U.S. EPA REGION 6
WATER DIVISION
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I. Introduction

Background

As described in §303(c) of the Clean Water Act (CWA) and in the water quality standards (WQS) regulation at 40 CFR §131.20, states and authorized tribes have primary responsibility to develop and adopt WQS to protect their waters. State and tribal WQS consist of three primary components: designated uses, criteria to support those uses, and antidegradation requirements. In addition, CWA §303(c)(1) and 40 CFR §131.20 require states to hold public hearings at least once every three years to review and, as appropriate, modify and adopt standards. As specified in 40 CFR §131.21, the Environmental Protection Agency (EPA) reviews new and revised surface WQS that have been adopted by states and authorized tribes. Authority to approve or disapprove new and/or revised water quality standards submitted to EPA for review has been delegated to the Water Division Director in Region 6. State or tribal WQS are not considered effective under the CWA unless and until approved by EPA.

EPA only reviews state or tribal submittals that are new or revised WQS. Not every provision within state or tribal regulations is a new or revised WQS. EPA determines whether a provision is a new or revised WQS after considering the following:

1. Is the provision legally binding, adopted or established pursuant to state or tribal law?
2. Does the provision address designated uses, water quality criteria (narrative or numeric) to protect designated uses, and/or antidegradation requirements for waters of the United States?
3. Does the provision express or establish the desired condition (e.g. uses, criteria) or instream level of protection (e.g. antidegradation requirements) for waters of the United States immediately or mandate how it will be expressed or established for such waters in the future?
4. Does the provision establish a new WQS or revise an existing WQS?

The purpose of this Technical Support Document (TSD) is to document the review and provide the basis for EPA's actions concerning revisions to Louisiana Administrative Code (LAC), Title 33, Part IX, Chapter 11, Surface Water Quality Standards (WQ097) adopted by the Louisiana Department of Environmental Quality (LDEQ) on November 20, 2020.

Chronology of Events

January 20, 2016	LDEQ initiated triennial revision by posting notice in *Louisiana Register* requesting public comments on LAC 33:IX.Chapter 11.
March 30, 2016	LDEQ held public hearing on LAC 33:IX.Chapter 11. Public comment period closed.
March 9, 2017	LDEQ published its *2016 Triennial Review Report of Findings* outlining its path forward for addressing LDEQ staff and public recommendations via rulemaking.
December 19, 2019	LDEQ published its proposed rule (WQ097) revising LAC 33:IX.Chapter 11 in *Louisiana Register* and initiated its request for public comment.
January 28, 2020	LDEQ held public hearing on WQ097.
February 4, 2020	Public comment period on WQ097 closed.
July 20, 2020	LDEQ released its "Comment Summary Response & Concise Statement, 2016 Triennial Review".
August 20, 2020	LDEQ published its second notice of "substantive changes" (WQ097S) to WQ097 in *Louisiana Register* and initiated its request for additional public comment.
September 25, 2020	LDEQ held public hearing on WQ097S and public comment period closed.
October 8, 2020	LDEQ released its "Final Comment Summary Response & Concise Statement, 2016 Triennial Review".
November 20, 2020	LDEQ published its final rule in Louisiana Register.
December 8, 2020	LDEQ submits its certification of revisions to LAC33:IX.Chapter11 Water Quality Standards (WQ097) to EPA.

Summary of Revisions to Louisiana's Water Quality Standards

The 2016 triennial review resulted in revisions to various provisions throughout LAC 33:IX.Chapter 11, Surface Water Quality Standards (including sections 1101, 1105, 1107, 1109, 1113, 1115, 1119, 1121, and 1123). These revisions include substantive modifications as well as a significant number of non-substantive revisions. Non-substantive revisions to LAC 33:IX.Chapter 11 include corrections of typographical errors, incorrectly spelled words and incorrect references. While these may be considered minor changes, they are important to the clarity and readability of LAC 33:IX.Chapter 11.

LDEQ added and partially deleted definitions in §1105. In §1109, LDEQ revised language to be consistent with new federal provisions found in 40 CFR parts 131.12 (antidegradation policy and implementation methods) and 131.14 (water quality standards variances) and updated those provisions governing the classification of naturally dystrophic waters in the state. In §1113, LDEQ added Chemical Abstracts Service Registry Numbers to Tables 1 and 1A for all listed pollutants. LDEQ added two new footnotes to Table 1 to clarify the summation approaches used to identify the form of total polychlorinated biphenyls (PCBs) and endosulfan to which the listed criteria apply. LDEQ reworked Table 1A to include: (1) a new format for presenting conversion factors applied to hardness-based criteria for cadmium and lead, (2) freshwater acute and chronic ammonia criteria and one associated footnote, and (3) one new footnote citing LDEQ's authority to grant the use of the Biotic Ligand Model (BLM) for deriving site-specific copper criteria utilizing EPA BLM procedures. LDEQ made both substantive and non-substantive changes to language in §§1115, 1119, and 1121. In §1123, LDEQ revised descriptions and boundaries for a significant number of subsegments in Table 3.

II. New or Revised Provisions EPA is Approving

EPA has the CWA §303(c)(3) authority and duty to approve or disapprove new or revised WQS submitted by a state or authorized tribe after determining if the provisions adopted constitute a new or revised WQS. EPA considers non- substantive changes (e.g., section renumbering, style, grammatical or spelling corrections) as changes to existing WQS to constitute new or revised WQS that EPA has the authority and duty to approve or disapprove under CWA § 303(c)(3). While such revisions do not substantively change the meaning or intent of the existing WQS, EPA believes that it is reasonable to treat such non-substantive changes in this manner to ensure public transparency on what provisions are effective for purposes of the CWA. EPA's action on non-substantive changes to previously approved WQS does not constitute an action on the underlying previously approved WQS. In today's action, EPA is acting on both the non-substantive and substantive revisions to Louisiana's WQS adopted by LDEQ on November 20, 2020, which have been identified, pursuant to CWA § 303(c).

Section 1101. Introduction

The revised provisions in this section read as follows:

> "A. The purpose of this Chapter is to establish surface water quality standards that~~which~~ will:
> 1. – 2. …
> 3. protect or enhance the quality of state~~public~~ waters for designated uses; and
> 4. – B.2. …
> 3.criteria that protect the designated uses by~~which~~ specifying general and numeric~~al~~ limitations for various water quality parameters ~~that are required for designated water uses~~."

LDEQ revised language in Subsection A.3 of this provision which clarifies that the state's water quality standards as being protective of all *state* waters instead of the more generally referenced *public* waters. Subsection B.3 improves the description of criteria as limitations intended to protect designated uses, as opposed to a required component of designated uses. EPA approves these clarifications. EPA considers all other changes to this section as non-substantive and approves these changes.

Section 1105. Definitions

LDEQ provided definitions for the newly added terms *highest attainable use*, *non-101(a)(2) use*, *practicable*, *pollutant minimization program*, and *water quality standards variance*. These definitions are essentially identical to those provided for these terms in 40 CFR § 131.3. EPA approves these new definitions.

LDEQ likewise modified definitions for the terms *water quality standard* and *waters of the state (or state waters)*. The term *water quality standard* was completely redefined as follows:

> *Water Quality Standard*—an established set of provisions consisting of antidegradation requirements (policy and/or procedures), designated uses, and water quality criteria (narrative or numeric) to protect the designated uses, and general policies (included at the state's discretion), in order to meet the objectives in Section 101(a) of the Clean Water Act~~a definite numerical criterion value or general criterion statement or policy statement promulgated by the administrative authority to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state~~.

This new definition more succinctly provides the components of a water quality standard and is more consistent with the definition of the term as provided in 40 CFR § 131.3. EPA approves this new definition.

The phrase "extending three miles into" was added to the definition of *waters of the state* in reference to the Gulf of Mexico to more specifically define the geographic limits of

"bordering waters of the Gulf of Mexico" to which the term applies. EPA approves the modification of this definition.

EPA considers all other changes to this section as non-substantive and approves these changes.

Section 1107. Enforcement

EPA considers the change made to this section as non-substantive and approves this change.

Section 1109. Policy

Subsection A: LDEQ removed previous language found in Subsection A with respect to antidegradation policy, and incorporated new language into paragraphs 1, 2, 4 and 5 of this subsection that is nearly identical to that found in 40 CFR § 131.12. One exception is noted in paragraph 2.a in which LDEQ removed the phrase "on a waterbody-by-waterbody basis", a phrase which serves to identify one of the bases by which a state may identify waters for antidegradation protection and the associated requirement that a state provide for public notice and comment if it identifies waters on a waterbody-by-waterbody basis. By striking this phrase, LDEQ commits to seek public notice and comment regardless of which approach it uses to identify antidegradation protections: waterbody-by-waterbody, parameter-by-parameter, or a hybrid of both. While not required when identifying waters for antidegradation protection on a parameter-by-parameter basis, EPA supports LDEQ's election to provide for public notice and comment under either approach. EPA approves the new language in all these provisions reflecting recent changes to antidegradation policy outlined in EPA regulations.

Subsection B: LDEQ added paragraphs 4 and 5 to Subsection B regarding the designation of uses and the protection of downstream waters (paragraph 4) and the adoption of subcategories of uses (paragraph 5). Both paragraphs are consistent with language found in 40 CFR § 131.10(b) and (c). EPA approves these new provisions.

Subsection C: LDEQ revised language within the opening paragraph of Subsection C (Water Body Exception Classification) describing the process for approving water body exception classifications, including use attainability analysis (UAA) requirements when accompanying designated uses and criteria are revised, as follows:

> "In all cases where exceptions are proposed, the concurrence of ~~the Water Quality Protection Division Director of the~~ EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. The general criteria of these standards shall apply to all water bodies classified as a water body exception except where a particular water body is specifically exempted. A use attainability analysis ~~may~~shall be conducted ~~to gather data necessary~~ to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) [use] and application of less stringent criteria is being

proposed. ~~If such a classification is justified, applicable water uses and water quality criteria will be established.~~ Exceptions are allowed for the following three classifications~~categories~~ of water bodies."

EPA notes that the classification of waters as intermittent, man-made, or naturally dystrophic does not necessarily require EPA concurrence or approval. These terms of classification are not presently treated as designated uses, or subcategories of uses, but rather serve as descriptors of water body type or condition (natural, or otherwise) that may provide a general rationale for downgrades of designated uses or criteria which may accompany these classifications. EPA's approval authority in this process only extends to any such revisions of uses or criteria. As reflected in this provision, a use attainability analysis (UAA) shall be conducted to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) use and application of less stringent criteria is being proposed. EPA agrees with this updated provision although it does not account for all possible criterion revision scenarios. Please note that if a 101(a)(2) use remains unchanged, but there is a revision of criteria being proposed (i.e. a reduction in the stringency of criteria), such a revision still requires the submission of documentation supporting such a revision to EPA. While similar to a UAA, it is not strictly called a UAA as defined in 40 CFR §131.10.

EPA approves all revisions made in the above provision, although, please also note that the term "use" was omitted (presumably by mistake) in the phrase "downgrade of a 101(a)(2) [use]". EPA takes no action on the omission of this term but recommends that it be corrected in a future rulemaking.

LDEQ also removed the previous provision found in Subsection C.3 regarding the designation of naturally dystrophic waters (NDWs) and the procedures for the assignment of "appropriate" criteria to waters with this designation. This paragraph was replaced with 4 new paragraphs (paragraphs (a)-(d)) which define the types of waters that may receive the NDW classification and the regulatory requirements associated with permitting and development of UAAs where less stringent criteria and uses are needed for these waters. The current WQS regulation at 40 CFR 131.13 allows states and tribes to adopt policies in their standards affecting the application and implementation of standards. Although these policies are areas of state discretion, EPA retains authority to review and approve or disapprove such policies. The regulation at 40 CFR 131.13 currently refers only to mixing zones, low flows, and variances. Louisiana is using the NDW classification to define a specific type of waterbody based on common characteristics to help determine and dictate how to apply WQS to these types of waters. EPA is therefore approving provisions (a)-(d) specific to NDWs as a general policy consistent with 40 CFR 131.13.

Subsection D: LDEQ replaced the term "variances" with the phrase "in LPDES permits" in the title of Subsection D ("Compliance Schedules in LPDES Permits ~~and Variances~~") and removed the entirety of paragraph 2 (regarding use of variances) from this subsection. Water quality standards variances have been outlined in more detail in a newly created Subsection E discussed below. EPA approves these changes.

Subsection E: LDEQ included new language in Subsection E outlining water quality variance policy. Most of this language is provided verbatim from 40 CFR § 131.14. One exception is the decision by LDEQ to not add the last sentence from 40 CFR § 131.14(a)(3) regarding the state's option to use an approved WQS variance when issuing certifications under section 401 of the Act. LDEQ indicated that it considers variances as appropriate only for permit actions, such as in LPDES permits, and therefore does not consider the use of variances in issuing certifications as appropriate. EPA acknowledges LDEQ's position and its waiver of this option. EPA approves all new provisions and citations provided in Subsection E.

EPA considers all other changes to Section 1109 as non-substantive and approves these changes.

Section 1113. Criteria

LDEQ added Chemical Abstracts Service (CAS) Registry Numbers for each pollutant in Table 1 and 1A. EPA has verified that these numbers are consistent with those provided in 40 CFR § 136 and approves their addition.

LDEQ added two new footnotes (footnotes 6 and 7) to Table 1 identifying those summation components of total polychlorinated biphenyls (PCB Aroclors) and endosulfan (endosulfan α and β), and their associated CAS Registry Numbers. EPA approves the addition of these footnotes.

LDEQ adopted new acute and chronic ammonia criteria for freshwaters described in EPA's CWA §304(a) criteria document, *Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater 2013* (EPA 2013), by including criteria equations for each in Table 1. The equation provided for its acute ammonia criterion reflects those conditions in which *Oncorhynchus* species are absent. Both criteria are to be extrapolated across a spectrum of both pH and temperature. EPA approves the addition of these criteria equations to Table 1A.

LDEQ reworked Table 1A to include a new format for presenting conversion factors applied to hardness-based criteria for cadmium and lead. These conversion factors are now listed in the last row of the table. LDEQ also re-ordered 6 footnotes (denoted as footnotes a-f) in this table. While the footnote references in the table have changed to reflect this re-ordering, the information found in each footnote remains unchanged. Such format and footnote order changes do not result in any substantive change in the meaning of any information found in Table 1A. EPA approves these changes to Table 1A.

LDEQ removed a previous reference to footnote "c" (now referenced elsewhere in the table as footnote "a") for mercury. This deletion correctly accounts for the fact that mercury criteria are not expressed as dissolved metals. EPA approves the deletion of this footnote for mercury.

LDEQ added a footnote "g" to Table 1A to clarify how temperature and pH data are used to calculate ammonia criteria for assessment: "For temperature (T, in ºC) and pH dependent criteria, values are calculated using the temperature and pH measured at the time of sampling in coordination with the ambient water quality monitoring program." This footnote provides additional context to the newly added ammonia criteria by identifying how pH and temperature data will be used to derive event-specific ammonia criteria. EPA approves the addition of this footnote.

LDEQ added a footnote "h" to Table 1A for copper criteria citing LDEQ's authority to grant the use of the Biotic Ligand Model (BLM) for deriving site-specific copper criteria utilizing EPA's BLM procedures. The BLM is a metal bioavailability model that uses receiving water body characteristics to develop site-specific water quality criteria. It is described in EPA's CWA §304(a) criteria document, *Aquatic Life Ambient Freshwater Quality Criteria - Copper* (EPA 2007). As noted in the footnote, any site-specific criteria derived using the BLM and adopted into the state's water quality standards would require review and approval by EPA under CWA § 303(c). EPA approves this footnote.

Section 1115. Application of Standards

LDEQ reworked language found in Subsection A, paragraph 1 as follows:

"A. Background

1. The w~~W~~ater quality standards set forth in this Chapter ~~specify concentration limits and other water quality characteristics which, if not exceeded,~~ are ~~expected to result in an aquatic ecosystem suitable for~~ the foundation for a range of programs that establish water quality goals for water body segments~~highest designated uses given~~ thereby ensuring suitable aquatic ecosystems. ~~These concentration limits and characteristics (criteria)~~ Water quality standards are derived for individual water segments on the basis of the designated use or uses of the segment and the natural qualities of the waters."

Subsection A, paragraph 1 removes the phrase "concentration limits and water quality characteristics" in describing "water quality standards", which is acceptable since the term "water quality standards" has been specifically defined in Section 1105. It likewise describes the water quality standards as the foundation, or basis, of all water quality programs that ensure aquatic ecosystems are protected, which is a good way to introduce Section 1115. EPA approves these changes.

Subsection A, paragraph 3 was updated as follows:

"3. The difference between an ambient concentration and a water quality criterion ~~value~~ should not be construed as the amount of a constituent that can be discharged. The antidegradation statement requires that all waters which exceed the water quality standards be maintained at their existing high quality, which can be lowered only after ~~appropriate~~ demonstrating that allowing lower water quality is necessary to accommodate important economic and or social ~~justification~~ development in the area in which the waters are located ~~has been shown~~. In addition, before a lowering of high water quality can be allowed an

analysis of alternatives needs to be performed to demonstrate that the lowering of high water quality is necessary. More stringent requirements apply to those waters designated as outstanding natural resource waters as described in LAC 33:IX.1109.A.3."

The added phrases concerning lowering of water quality to accommodate economic and social development and the analysis of alternatives is consistent with language found in 40 CFR 131.14 as well as LAC 33:IX.1109.A. The added reference to LAC 33:IX.1109.A.3 for further discussion of outstanding natural resource waters is appropriate. EPA approves the added language and the minor deletions in this paragraph.

EPA considers all other changes to this section as non-substantive and approves these changes.

Section 1119. Implementation Plan for Antidegradation Policy

EPA considers the addition of the phrase "those uses" in this section as non-substantive and approves this change.

Section 1121. Regulation of Toxic Substances Based on the General Criteria

In Subsection A, paragraph 2, LDEQ introduces a list of methods developed to protect state waters from the effects of toxic substances. LDEQ removed the reference to the Louisiana Water Discharge Permit System (LWDPS) as the repository for permitting policies that these methods follow and replaced it with the word "department". EPA considers this and all other changes to this section as non-substantive and approves these changes.

Section 1123. Numeric Criteria and Designated Uses

In subsection B, LDEQ changed its explanation of subsegment codes used in Table 3 of this section. Subsegment codes will no longer exceed 6 digits in length. Historically, in some cases, LDEQ used a 3-digit (minimum) "Unique Water Body Identification Code" at the end of this 6-digit code to more specifically identify a smaller portion of a 6-digit subsegment (or hydrologic unit). LDEQ has ceased using this convention and has removed all references to it in this subsection. All waters that once had a "Unique Water Body Identification Code" have either been merged with their "parent" subsegment or given a new 6-digit subsegment code. These waters are described in more detail below.

LDEQ made several changes to subsegment codes, stream descriptions, and in a few cases, designated uses, found in Table 3 of this section. In many cases, no changes to the existing subsegment boundaries were made with the updated subsegment codes or descriptions. A summary of changes to these elements is provided below. All such changes are approved, as are any other non-substantive changes to stream descriptions and title headings (e.g. spelling and style changes) not described here.

Previous Subsegment Code	New Subsegment Code	Description of Change
010802	N/A	Stream description for Wax Lake Outlet (010802) corrected to reflect the northern boundary of this subsegment as the Intracoastal Waterway (ICWW). This change corrects the perceived overlap of 010802 with subsegment 010803 (Intracoastal Waterway) whose existing boundary already encompasses that part of the Wax Lake Outlet between the ICWW and US Highway 90.
020303-001	020305	9-digit subsegment code was deleted and a new 6-digit code was assigned.
020903	N/A	New stream description provides terminal ends of Barataria Waterway.
030103-04075	030105	11-digit subsegment code was deleted and a new 6-digit code was assigned. Also, a new description of the upstream extent of subsegment was provided.
030401	N/A	West Cove was added to the stream description.
030506, 030508, 030601, 030602, 030802, 030803	N/A	These subsegments are newly identified as "Scenic" in the stream descriptions. LDEQ proposed no new or modified uses with this new descriptor.
030701	N/A	New stream description provides full water body extent of Bayou Serpent (headwaters to Calcasieu River)
030806-554700	030808	12-digit subsegment code was deleted and a new 6-digit code was assigned.
031101	N/A	Stream description was updated to more accurately depict terminal ends of subsegment.
040101	N/A	Stream description was updated to more clearly reflect the inclusion of tributary waters in the upper end of subsegment.
040305	N/A	Stream description was updated to more accurately depict the terminal end of subsegment.
040502	040506	Subsegment code for Blood River renumbered as 040506.
040506	040502	Subsegment code for Tickfaw River renumbered as 040502.
040604	N/A	Stream description was changed to better incorporate the borrow pit canal and define the subsegment southern boundary at North Pass.
040604-001	040607	9-digit subsegment code was deleted and a new 6-digit code was assigned. The boundary descriptions were changed slightly to better define the northern, western, and southern boundaries.

040704	N/A	Stream description was changed to reflect inclusion of all headwaters in subsegment.
040802	040807	Subsegment code for Ponchitolawa Creek renumbered as 040807. The term “Scenic” in the stream description was also removed, as it is not considered a “Scenic River” by the Louisiana Department of Wildlife and Fisheries. By virtue of this error, the associated outstanding natural resource water (ONRW) use was removed as well. See below for further discussion.
040807	040802	Subsegment code for Tchefuncte River renumbered as 040802.
050402, 050601	N/A	The southern terminus of both subsegments was changed from Grand Lake to ICWW to more accurately reflect the southern extent of both subsegments.
050802	N/A	Stream description was changed to delete the phrase “includes associated water bodies”. No boundary revisions occurred with this revision. All designated uses and criteria remain applicable to all waters within 050802.
060210	N/A	New stream description provides full water body extent of Bayou Carron (headwaters to Little Bayou Teche)
060701	N/A	New stream description provides full water body extent of Tete Bayou (headwaters to Lake Fausse Point).
060703	N/A	New stream description provides full water body extent of Bayou du Portage (headwaters to Dauterive Lake).
060801-001	060807	9-digit subsegment code was deleted and a new 6-digit code was assigned.
060902	N/A	Stream description for Bayou Carlin changed to more accurately reflect the southern terminus of this subsegment (confluence with Bayou Tigre). This aligns better with subsegment 061101, whose northern boundary is described as the confluence of Bayou Carlin and Bayou Tigre. Both subsegments share the same designated uses and criteria.
080401	N/A	Stream description was changed to include “also known as Bayou Desiard and Lake Bartholomew”. While it’s unknown why this phrase was added given that the same description is provided for the adjoining subsegment 080701, LDEQ made no changes to the boundaries for this subsegment, or the applicable designated uses and criteria.

080904	N/A	Stream description changed to be inclusive of headwaters in upper subsegment.
081201	N/A	Stream description changed to better reflect lower terminus of subsegment at confluence with Ouachita River.
081601-556716	081612	12-digit subsegment code was deleted and a new 6-digit code was assigned.
090202-5126	090209	10-digit subsegment code was deleted and a new 6-digit code was assigned.
090204	N/A	Stream description changed to reflect a shift of the downstream boundary of Pearl River Navigation Canal from Lock No. 1 approximately 1 mile east to its confluence with the West Pearl River. The portion of the canal below Lock No. 1 previously fell within subsegments 090201 and 090202. The ORNW use that applies to 090201 and 090202 did not apply to this canal as that designation only applied to the 'scenic' mainstem of the West Pearl River within both subsegments. While the uses applying to all three subsegments are otherwise the same, the associated numeric criteria for 090204 as listed in Table 3 are either equal to, or more stringent than, those criteria for 090201 and 090202. Therefore, no additional documentation (e.g. UAA, criteria revision justification) is needed to support this change in boundaries.
090205	N/A	Stream description changed to include both Wilson Slough (090205) and Bradley Slough (090206) in this subsegment. Description of upper subsegment boundary was also changed to reflect Pearl River. Both subsegments shared the same designated uses and criteria.
090206	090205	Subsegment code 090206 was deleted. Bradley Slough merged with 090205.
090207-5112	090207	10-digit subsegment code was deleted. This water (Morgan Bayou) is being merged with its parent subsegment 090207. Both subsegments shared the same designated uses and criteria.
090503	N/A	Stream description changed to accurately depict the lower terminal end of Little Silver Creek at Big Silver Creek.
100601	N/A	Stream description changed to more accurately depict the lower terminal end of upper Bayou Pierre at Rolling Lake Bayou.
100606	N/A	Stream description changed to more accurately depict the upper end of lower Bayou Pierre at

		Rolling Lake Bayou.
100903	100902	Subsegment code 100903 was deleted. Water body has been merged with subsegment 100902. Both subsegments shared the same designated uses and criteria.
101507	N/A	This is a new subsegment (Old Saline Bayou), delineated from the lower portion of subsegment 101505 (Larto Lake) due to lack of hydrologic connection with 101505. Both subsegments share the same designated uses and criteria.
120103	N/A	Stream description changed to more accurately depict the lower terminal end of Bayou Choctaw at ICWW.
120507	N/A	Stream description changed to more accurately depict the upper end of Bayou Chauvin at ICWW.
120604	N/A	Stream description changed to more accurately depict the upper end of Bayou Blue at Company Canal.

LDEQ also added two new designated uses and removed one designated use for three subsegments in Table 3. See table below.

Subsegment Code	Description	Designated Use	Added or Removed
040807	Ponchitolawa Creek—From headwaters to US Highway 19	Outstanding Natural Resource Water (ONRW)	Removed
060702	Lake Fausse Point and Dauterive Lake	Drinking Water Supply (DWS)	Added
100606	Bayou Pierre—From Rolling Lake Bayou to Red River	Drinking Water Supply (DWS)	Added

As noted above, LDEQ previously identified Ponchitolawa Creek as “Scenic” in its stream description found in Table 3 and, in accordance with LAC 33:IX, Sections 1109 and 1111, adopted an outstanding natural resource water (ONRW) use for this subsegment. However, the Louisiana Department of Wildlife and Fisheries later discovered that Ponchitolawa Creek was erroneously identified by LDEQ as a “Scenic River” under the state’s Scenic Rivers Program. By virtue of this error, LDEQ has discontinued classifying this water as “Scenic” in Table 3 and has removed the ONRW use. EPA approves the deletion of this use for Ponchitolawa Creek.

In its review of Table 3, LDEQ staff also discovered that Lake Fausse Point and Dauterive Lake (060702) and the lower portion of Bayou Pierre (100606) are presently used as public drinking water sources. Subsegment 060702 is hydrologically connected to

subsegment 060601 (Charenton Canal) which already has the DWS use. Additionally, part of subsegment 060702's subsegment boundary is located within approximately 100 feet of a drinking water intake for St. Mary Parish, which is located in subsegment 060601. Because these two subsegments are not physically separated and possess the same water, LDEQ determined the DWS designated use is appropriate for subsegment 060702. There is a drinking water intake and pump station in Bayou Pierre. Water from Bayou Pierre is pumped from this intake into Sibley Lake, which is the water source for the city of Natchitoches, Louisiana when water levels in Sibley Lake become low. Bayou Pierre is essentially a back-up water supply for the city of Natchitoches. The drinking water supply use has historically existed for both of these subsegments despite not being reflected as such in Table 3. EPA approves the addition of this use to provide additional protections to these waters for use as drinking water sources.

III. New or Revised Provisions Where EPA is Taking No Action

Section 1123. Numeric Criteria and Designated Uses

An order rendered in Federal District Court on February 25, 2019 vacated EPA's previous approval of seasonal dissolved oxygen (DO) criteria for 31 subsegments in the eastern Lower Mississippi River Alluvial Plains ecoregion. By virtue of this order, the applicable DO criteria in these 31 subsegments reverted to the previous applicable values of 5.0 mg/L in freshwaters and 4.0 mg/L in estuarine waters. Thus, the seasonal DO criteria listed in Table 3 of this section for these 31 subsegments are not applicable for CWA purposes. The EPA maintains a copy of Louisiana's approved water quality standards in an on-line repository found here: https://www.epa.gov/sites/production/files/2014-12/documents/lawqs.pdf. In this repository copy, EPA has amended the DO criteria for these 31 subsegments in Table 3 to accurately reflect the court's order. This copy of the water quality standards serves as the basis for all CWA implementation activities in Louisiana. The EPA is taking no further action on the seasonal DO criteria in those waters in Table 3 affected by the court's order as part of its review of WQ097.

As noted in Section II above, LDEQ made a number of changes to subsegment codes and stream descriptions in Table 3 of Section 1123 of WQ097. Stream descriptions for many subsegments were changed in the interest of more clearly depicting the upstream and downstream terminal ends of each subsegment. However, the new descriptions for two subsegments indicated a possible shift in subsegment boundaries, potentially necessitating changes in designated uses and/or criteria for some portions of those water body reaches which shifted from one subsegment to another. These are outlined in more detail below. EPA is taking no action on these changes in stream descriptions until such time LDEQ can amend them in a future rulemaking. As such, the original subsegment boundaries and/or their descriptions for these subsegments will remain as before:

- Subsegment 031002 (Intracoastal Waterway—From Calcasieu River Basin western boundary to Calcasieu Ship Channel; includes Old Canal (Estuarine)): the new description indicates that the eastern end of this subsegment terminates at the

Calcasieu Ship Channel and includes Old Canal. The inclusion of Old Canal and the termination at Calcasieu Ship Channel suggests that the eastern boundary has been extended further east into subsegment 030401. If so, this change in boundary would require the extension of the oyster water propagation use, that is applicable to 030401, to the newly extended far-eastern reach of 031002. Upon further review, LDEQ has indicated that this description is inaccurate, and that it shifted no subsegment boundaries. EPA will take no action on this change in stream description until which time it can be amended.

- Subsegment 041901 (Mississippi River Gulf Outlet (MRGO)—From ICWW to MRGO closure structure at mile 23.80). The new description shifts the southern terminus of the subsegment from Breton Sound at MRGO mile 30 to the MRGO closure structure at mile 23.8, approximately 6 miles northwest from its former boundary with Eloi Bay (subsegment 042206). Upon further review, LDEQ indicated to EPA that this shift in boundaries needed further evaluation and that it would maintain the formerly provided southern boundary description (Breton Sound at MRGO mile 30). EPA will take no action on this change in stream description until which time it can be amended.

IV. Antidegradation Requirements

Federal regulations require states to develop antidegradation implementation methods for the antidegradation policy that are, at a minimum, consistent with the state's policy and with 40 CFR 131.12(a). Neither the state's water quality standards nor the state's Continuing Planning Process (CPP) document currently contain implementation methods for the state's antidegradation policy consistent with federal regulations. It is EPA's understanding that LDEQ is working to develop implementation methods. It is important to note that the state is required to provide an opportunity for public involvement during the development of, and during any subsequent revisions of, the state's implementation methods and that the final version of the implementation methods must be available to the public. See 40 CFR 130.5(b)(6) and 40 CFR 131.12(b). While not required for EPA's approval of the state's water quality standards revisions subject to this review, the development of these implementation methods is critical for the proper implementation of the state's antidegradation policy. As needed, EPA is committed to providing support to LDEQ as it proceeds with the development of these methods.

V. Endangered Species Act Consultation

The approval of new and revised water quality standards is subject to the results of consultation under section 7(a)(2) of the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires that federal agencies consult with the U.S. Fish and Wildlife Service (USFWS), as appropriate, to ensure that actions they take, fund, or authorize are not likely to jeopardize the continued existence of listed species or result in the adverse modification or destruction of habitat. The EPA determined that the only new or revised water quality standards subject to consultation in LDEQ's triennial revision included the state's promulgation of new aquatic life criteria for ammonia in all freshwaters of the

state. Species lists provided through the USFWS's Environmental Conservation Online System/Information for Planning and Consultation (ECOS/IPaC) site for the above affected waters identified 24 federally threatened or endangered species statewide. Of those listed species, 14 are aquatic, or aquatic dependent, and have the potential to be affected by the above action. There is designated critical habitat for two species.

The EPA coordinated with and sought the advice of the USFWS Louisiana Ecological Services Field Office in Lafayette, Louisiana on the proposed ammonia criteria and their potential effects on listed species. In a letter dated January 19, 2021, USFWS concurred with EPA's determination that the state's adoption of aquatic life criteria for ammonia is not likely to adversely affect any listed species or critical habitat in freshwaters statewide.

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